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AESO/SE
2-21-99-F-367R1

February 1, 2002

TO: Field Manager, Phoenix Field Office, Bureau of Land Management, Phoenix,
Arizona

FROM: Field Supervisor

SUBJECT: Reinitiation of Consultation: Reauthorization of Livestock Grazing on the South
Vekol Allotment, Maricopa and Pinal counties, Arizona

This reinitiated biological opinion responds to your request for consultation with the U.S. Fish and Wildlife Service (Service) pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), as amended (Act). Your request for reinitiation of formal consultation was dated December 4, 2001, and received by us on December 7, 2001. At issue are impacts that may result from reauthorization of livestock grazing on the South Vekol allotment, Maricopa and Pinal counties, Arizona. The original biological opinion was dated November 28, 2000. Reinitiation of consultation is requested because changes are proposed in the action that alter the effects to the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) pygmy-owl [50 CFR 402.16(c)].

This biological opinion was prepared using information from the following sources: your June 20, 2000, request for consultation; the biological assessment for the project (BLM 2000); the November 28, 2000, biological opinion; your December 4, 2001, request for reinitiation; site visits; and our files. A complete administrative record of this consultation is on file in our office. Our concurrence with your determination that the proposed action may affect, but is not likely to adversely affect, the lesser long-nosed bat, is included in Appendix 1 of this opinion.

CONSULTATION HISTORY

In our November 28, 2000, biological opinion, we found that the proposed action was not likely to jeopardize the continued existence of the pygmy-owl. No take of pygmy-owl was anticipated. Our concurrence with your determination that the proposed action may affect, but is not likely to adversely affect, the lesser long-nosed bat, was included as an Appendix to the opinion.

On January 17, 2001, the South Vekol allotment was included in the Sonoran Desert National Monument, established by Presidential proclamation. The proclamation states that "...grazing permits on Federal lands within the monument south of Interstate 8 shall not be renewed at the end of their current term...". The South Vekol allotment permit expires February 28, 2008, at which time all cattle will be removed from the allotment. The action evaluated by the November 28, 2000, opinion included grazing through 2010, and monitoring actions beyond that date. Cessation of grazing in 2008 mandates changes in the proposed action and makes other aspects of the action unnecessary or no longer cost-efficient, because they were intended to be projects with long-term benefits (e.g. range improvements).

BIOLOGICAL OPINION

DESCRIPTION OF PROPOSED ACTION

The proposed action remains the same as described in our November 28, 2000, biological opinion, with the exception of the following:

Term of the Action:

Original Action: Authorize livestock grazing activities through 2010.

New Action: Authorize livestock grazing activities through February 28, 2008, after which livestock will be removed.

Vekol Wash Pasture

Original Action: Rest the Vekol Wash Pasture for 10 years.

New Action: Rest Vekol Wash Pasture until the permit expires on February 28, 2008 (after which cattle will be removed).

Livestock Exclosure

Original Action: Construct a livestock exclosure at the reservoir in T8S, R1E, S36.

New Action: No new construction of an exclosure. The purpose was to study recovery in an ungrazed area, which is a long-term effort. Because areas both inside and outside of the fence will be ungrazed starting in 2008, the design of the study is compromised. Also, most fences will likely be removed after the grazing permit expires.

Saguaro Recruitment Study

Original Action: Conduct periodic studies (at 10-year intervals) on the recruitment of saguaros to ensure population stability in the presence of ongoing grazing.

New Action: No recruitment studies will be conducted. Meaningful results were anticipated only after collection of a long-term data set. Cessation of grazing in 2008 negates the need for the study and negates the usefulness of data collection after 2008.

Intensive Grazing Monitoring and Reevaluation of Stocking Levels

Original Action: Monitor vegetation production, use patterns, and utilization, then reevaluate authorized stocking levels by the end of 2003 based on data collected (subject to available funding).

New Action: No intensive monitoring will be conducted and stocking levels will not be reevaluated because grazing will cease in 2008. However, grazing use will still be monitored, as proposed, to ensure that utilization remains at less than 20 percent in the Table Top Wilderness, and 30 percent elsewhere in the allotment.

Construct New Water between South Vekol Well and Marlboro Well

Original Action: Construct the new water, subject to the outcome of the analysis to be conducted by the end of 2003, described above.

New Action: No new water will be constructed. The benefits of constructing the new water were to be long-term improvements in range condition by enhancing livestock distribution. Cessation of grazing in 2008 precludes the need for long-term improvements.

Route Designations

Original Action: Designate and sign open vehicle routes in the ACEC and increase law enforcement patrols in the area. Route designations would occur through a public process with input from interested parties. No schedule was developed for the route designation process.

New Action: Plans for the original action will be developed as part of the planning for the Sonoran Desert National Monument beginning in 2003. Actions identified in this plan will be implemented when the plan is complete.

Interpretive Signing

Original Action: Design and install an interpretive sign at the wilderness trailheads explaining that livestock grazing is a valid use of public lands allowed by the wilderness laws and educating

the public of the historic significance of livestock grazing in the area.

New Action: No signing will be implemented due to cessation of grazing in 2008.

Maintenance of Livestock Waters

Original Action: Maintain existing earthen tanks used as livestock waters.

New Action: No maintenance of earthen tanks will be conducted as part of the grazing program. Maintenance of tanks for wildlife will be considered in the planning for the National Monument.

STATUS OF THE SPECIES

Cactus Ferruginous Pygmy-owl (*Glaucidium brasilianum cactorum*)

The status of pygmy-owl remains similar to that described in the 2000 opinion. Significant changes include:

1. Critical Habitat. On September 21, 2001, the U.S. District Court for the District of Arizona vacated the final rule designating critical habitat for the pygmy-owl, and remanded its designation back to the Service for further consideration.
2. Rangewide Status Summary Update. The 2000 biological opinion summarized localities and productivity of pygmy-owls in Arizona up through 2000. Surveys conducted during the 2001 season resulted in a total of 47 adult pygmy-owls confirmed at 29 sites in Arizona (S. Richardson, AGFD unpubl. data, T. Tibbitts, OPCNM unpubl. data, U.S. Fish and Wildlife Service unpubl. data). There were also several other unconfirmed sites that are not included in these totals. Nesting was documented at 17 sites, and 24 young were confirmed to have successfully fledged (left their nest cavity). In addition, there were 2 nests with young that potentially could have fledged young; however, this was not confirmed. Similar to the previous three years, there was over a 50 percent fledgling mortality documented again in 2001 (S. Richardson, AGFD unpubl. data). The following regions of the state are currently known to have pygmy-owls:
 - **Tucson Basin** (northwestern Tucson and southern Pinal County) - A total of 8 adults (3 pairs and 2 single resident males) were confirmed at 5 sites, all of which were in Pima County. One single unpaired male pygmy-owl was documented in southern Pinal County. Three nests in northwest Tucson were confirmed, all with young.
 - **Altar Valley** - A total of 18 adult pygmy-owls were documented at 12 sites. As a result of increased access to portions of the valley, the number of known owls increased to 7 pairs and 4 resident single owls. A total of 7 nests were confirmed.

- **Organ Pipe Cactus National Monument and Cabeza Prieta National Wildlife Refuge -** Twelve adults, consisting of 2 pairs and 4 single pygmy-owls were confirmed at 8 sites. Three nests were active. Two new sites were documented on the refuge and 1 north of Organ Pipe Cactus National Monument near Ajo, Arizona.
- **Other Areas -** A total of 9 adults, consisting of 4 pairs and 1 single pygmy-owl at 5 sites documented elsewhere in southern Arizona. Nesting was confirmed at 4 of these sites. It is unknown how many of these young successfully dispersed. There were several other possible pygmy-owl detections reported elsewhere in the state, but they were not confirmed.

Recent extensive surveys in southern Arizona are changing our perception of pygmy-owl distribution and habitat needs. For example, before 1998, very few surveys had been completed in the Altar Valley in southern Pima County. Prior to 1999, the highest known concentration of pygmy-owls in the state was in northwest Tucson. However, in 1999, after extensive surveys in Altar Valley, more owls were found there (18 adults) than in northwest Tucson (11 adults), although until 2001, there were fewer nest sites in Altar Valley than in the Tucson Basin (S. Richardson, AGFD unpubl. data).

2. Pygmy-owl Localities. The pygmy-owl has not been found in or near the South Vekol allotment since the 2000 opinion was issued, and was not known to occur in the allotment historically (as described in the 2000 opinion).

ENVIRONMENTAL BASELINE

The environmental baseline remains the same as described in the 2000 biological opinion. The closest confirmed detection of a pygmy-owl is still from southwestern Pinal County, less than 25 miles east of the southeastern allotment boundary.

EFFECTS OF THE ACTION

The analysis of effects in the 2000 biological opinion are still valid in terms of the general discussion of grazing activities on the pygmy-owl and its habitat. No new information has come to light to alter that analysis. However changes in the proposed action alter how the elements of the grazing program on the South Vekol allotment will affect the pygmy-owl. Changes in the effects analysis are described here by each proposed change in the action:

Term of the Action:

Authorize livestock grazing activities through February 28, 2008 (rather than through 2010), after which livestock will be removed.

Shortening the term of proposed grazing shortens the time by two years that cattle may affect pygmy-owl habitat, and reduces the opportunities for interactions between pygmy-owls and

livestock gathering activities that may disturb owls. Overall effects to the owl and its habitat are reduced.

Vekol Wash Pasture

Rest Vekol Wash Pasture until the permit expires on February 28, 2008 (rather than resting the pasture until 2010).

This does not change the effects of the proposed action, because with or without the change, cattle would be excluded from the Vekol Wash Pasture through 2010.

Livestock Exclosure

Do not construct a livestock exclosure at the reservoir in T8S, R1E, S36 (an exclosure was proposed in the original action).

The reservoir is surrounded by a mesquite bosque. Where cattle can penetrate the mesquite, and around the edges of the reservoir and bosque, vegetation is heavily browsed, and concentration of cattle at the water has impacted soils and caused gully erosion. The reservoir is also used as a cattle trap, which results in further disturbance when cattle are rounded up. However, because of the density of the vegetation and the presence of perennial water, the reservoir may be the most likely place for a pygmy-owl to occur on the allotment. The exclosure would have resulted over the long-term in increased density of vegetation and slow recovery of soils. Without the exclosure, recovery will be delayed until cattle are removed in 2008. However, the extent of the delay is unknown because the Bureau did not present a schedule for completing the exclosure in their original proposed action. Cattle gathering and cattle use of the bosque and reservoir until 2008 increases the likelihood of adverse interactions between grazing activities and pygmy-owls. However, this likelihood remains low because the allotment is outside of the current known range of the pygmy-owl.

Saguaro Recruitment Study

Do not conduct periodic studies (at 10-year intervals) on the recruitment of saguaros to ensure population stability in the presence of ongoing grazing.

The study in itself would not have affected pygmy-owls or their habitat. However, it might have affected changes in future grazing management if grazing was found to significantly adversely affect saguaro recruitment. These changes would have been the subject of future consultation. The Bureau's proposal to terminate the study does not change the effects of the proposed action.

Intensive Grazing Monitoring and Reevaluation of Stocking Levels

Do not monitor vegetation production, use patterns, and utilization, and do not reevaluate authorized stocking levels by the end of 2003.

The purpose of this monitoring would have been to collect data needed to determine if standards and guidelines were being met on the allotment. If they were not, stocking levels might have been adjusted. Any change in the proposed action as a result of the monitoring studies would have been the subject of future consultation or reinitiation, but does not change the effects of the current proposed action.

New Water between South Vekol Well and Marlboro Well

Do not construct the new water.

If deemed beneficial in accordance with the intensive monitoring analysis described above, a well would be constructed in T8S, R1E, section 28 to replace the defunct Marlboro Well. The new well would help distribute cattle in the western pasture. If constructed, degradation of habitat around the new water would have likely occurred due to future concentrations of cattle in the area. However, rich, Sonoran Desert scrub communities characteristic of pygmy-owl habitat are absent from the site, thus direct effects to pygmy-owls and habitat would have been minimal or none. The water might have enhanced distribution of cattle across the allotment, reducing use in some pygmy-owl habitats. However, recovery from grazing in desert scrub communities takes many years, if not decades. Not constructing the new water would negate any possible direct effects. Any benefits due to long-term recovery resulting from better cattle distribution are masked by the current proposal to remove livestock in 2008.

Route Designations and Signing

Plans for route designations and signing would be developed as part of the planning for the Sonoran Desert National Monument beginning in 2003. Actions identified in this plan will be implemented when the plan is complete.

The original proposed action also included route designations and signing; however, under the current proposal, planning for these actions would be included in the planning for the monument. This may or may not change the implementation schedule for these activities; however the outcome is likely to be the same. This change in the proposed action does not change effects to the pygmy-owl.

Interpretive Signing

Do not design and install interpretive signs at the wilderness trailheads explaining that livestock grazing is a valid use of public lands allowed by the wilderness laws and educating the public of

the historic significance of livestock grazing in the area.

If pygmy-owls were present in the vicinity of trailheads during placement of the signs, they may have been disturbed by that activity. However, the likelihood of sign placement disturbing pygmy-owls is highly unlikely due to the lack of pygmy-owl records from the area and the low-level of disturbance involved in sign placement. No changes in effects to pygmy-owls and their habitat due to this change in the proposed action are anticipated.

Maintenance of Livestock Waters

No maintenance of earthen tanks will be conducted as part of the grazing program. Maintenance of tanks for wildlife will be considered in the planning for the National Monument.

Maintenance activities at earthen tanks could be disturbing to any pygmy-owls in the area, but no records of pygmy-owls are known from the area. Not maintaining the tanks through 2008 means that some water sources may dry up, which could result in degradation of associated mesquite bosques or other xero-riparian vegetation that is potential habitat for pygmy-owls. However, most tanks will probably not need maintenance before 2008, and maintenance will be considered in the planning for the monument; as a result, this change in the proposed action will minimally affect pygmy-owls and their habitat.

Cumulative Effects

Cumulative effects are those adverse effects of future non-Federal (State, local government, and private) actions that are reasonably certain to occur in the project area. Future Federal actions would be subject to the consultation requirements established in section 7 of the Act and, therefore, are not considered cumulative to the proposed project. Effects of past Federal and private actions are considered in the Environmental Baseline. Analysis of cumulative effects remains unchanged from the 2000 opinion.

CONCLUSION

After reviewing the current status of the cactus ferruginous pygmy-owl, the environmental baseline for the action area, and the anticipated effects of the revised proposed grazing program for the South Vekol allotment, it is the Service's biological opinion that the proposed action is not likely to jeopardize the continued existence of the cactus ferruginous pygmy-owl. We make these findings for the following reasons:

1. The BLM proposes to rest the Vekol Valley Wash pasture until 2008, after which it will remain ungrazed (this pasture contains suitable pygmy-owl habitat that is degraded, in part, as a result of grazing activities).
2. Grazing will be terminated on the allotment in 2008.

3. Maximum utilization rates would not exceed 20 percent in the Table Top Wilderness and 30 percent in the remainder of the allotment. These utilization rates are compatible with maintenance of good to excellent range condition and restoration of degraded sites.
4. The BLM proposes measures to reduce the potential for disturbance of pygmy-owls or habitat at the perennial reservoir due to livestock gathering.
5. The BLM proposes measures to ensure maintenance and improvement of range condition, including route designations and signing, increased law enforcement, and pursuit of opportunities to curb erosion.
6. No pygmy-owls have been detected on or near the allotment.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act prohibits the take of listed species without special exemption. Taking is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, collecting, or attempting to engage in any such conduct. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Harass is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns that include, but are not limited to, breeding, feeding, or sheltering. Incidental take is any take of a listed animal species that results from, but is not the purpose of, carrying out an otherwise lawful activity conducted by the Federal agency or the applicant. Under the terms of sections 7(b)(4) and 7(o)(2) of the Act, taking that is incidental to and not intended as part of the agency action is not considered to be prohibited under the Act provided that such taking is in compliance with this incidental take statement.

AMOUNT OR EXTENT OF TAKE

No pygmy-owls are currently known from the allotment; however, suitable habitat exists and thus, pygmy-owls may occur on the allotment during the life of the project. If an owl was found on the allotment, we would not anticipate it would be taken for the following reasons: 1) construction activities would occur outside of the breeding season, 2) proposed activities at the perennial reservoir would not result in harm, harassment, or other forms of take because BLM proposes limiting number of cattle to be trapped at any one time to 25, proposed grazing is short term (2002-2008) after which cattle will be removed, and because the mesquite bosque is mostly impenetrable to cattle, 3) proposed utilization limits are compatible with maintenance of pygmy-owl habitat, and 4) cattle would be excluded from the Vekol Wash Pasture.

CONSERVATION RECOMMENDATIONS

Sections 2(c) and 7(a)(1) of the Act direct Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of listed species. Conservation recommendations are discretionary agency activities to minimize or avoid effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information on listed species. The recommendations provided here do not necessarily represent complete fulfillment of the agency's section 2(c) or 7(a)(1) responsibilities for the cactus ferruginous pygmy-owl. In furtherance of the purposes of the Act, we recommend implementing the following actions:

1. We recommend that the BLM implement the pygmy-owl recovery plan, when such plan is finalized, in regard to grazing management and other activities in the Vekol Valley and elsewhere in southern Arizona.
2. We recommend that the BLM conduct annual surveys for pygmy-owls consistent with Service protocol at the perennial reservoir and other key habitats on the South Vekol allotment. If pygmy-owls are found during 2002-2008, consultation should be reinitiated.
3. We recommend that the BLM work with the permittee to halt trespass of cattle from the allotment onto the Goldwater Range.

In order for the Service to be kept informed of actions minimizing or avoiding adverse effects or benefitting listed species, the Service requests notification of implementation of any conservation actions.

REINITIATION NOTICE

This concludes reinitiation of formal consultation on BLM's revised proposal to reauthorize livestock grazing on the South Vekol allotment in Maricopa and Pinal counties, Arizona. As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if: 1) the amount or extent of incidental take is exceeded; 2) new information reveals effects of the agency action that may adversely affect listed species or critical habitat in a manner or to an extent not considered in this opinion; 3) the agency action is subsequently modified in a manner that causes an effect to a listed species or critical habitat that was not considered in this opinion; or 4) a new species is listed or critical habitat designated that may be affected by this action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation, if it is determined that the impact of such taking will cause an irreversible and adverse impact to the species. Continuing surveys of suitable habitats and for pygmy-owls may yield new information suggesting the proposed action may affect the cactus ferruginous pygmy-owl in a manner or to an extent not previously considered. If this occurs, reinitiation of consultation may be necessary.

Reinitiated Biological Opinion - Livestock Grazing on the South Vekol Allotment

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If we may be of further assistance in this matter, please contact Jim Rorabaugh (x238) or Sherry Barrett (520/670-4617) of my staff.

/s/ David L. Harlow

cc: Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-ES)
Assistant Field Supervisor, Fish and Wildlife Service, Tucson, Tucson, AZ
cc: State Director, Bureau of Land Management, Phoenix, AZ

Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ
Regional Supervisor, Arizona Game and Fish Department, Tucson, AZ
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Director, Arizona Cattlegrowers Association, Phoenix, AZ
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Appendix 1: CONCURRENCES

Lesser Long-nosed Bat

No changes in the status of the species or environmental baseline for the lesser long-nosed bat have occurred since the original opinion was issued in 2000.

Effects determinations for lesser long-nosed bats in regard to grazing activities should conform to the procedures outlined in the BLM/Service's January 1999 "Guidance Criteria for Determinations of Effects of Grazing Permit Issuance and Renewal on Threatened and Endangered Species". Three conditions apply in determining whether an action may affect the lesser long-nosed bat. If any one of the criteria are triggered, the action may affect the lesser long-nosed bat:

1. Habitat for the species or primary constituent elements of critical habitat may be modified.

No critical habitat exists for the species. However, as discussed in the Effects of the Proposed Action for the pygmy-owl (from the 200 opinion and in this reinitiated opinion), saguaro recruitment could be adversely affected but only in the short term (2002-2008). Effects are expected to be minimal, but some adverse effects through trampling of seedlings, destruction of nurse plants, and adverse effects to soils and cryptobiotic crusts are anticipated. Thus, the proposed action triggers this criterion.

2. Improvement of potential habitat for the species or development of primary constituent elements of critical habitat may be precluded or impeded.

Areas of the South Vekol allotment that have potential to support forage plants already support such plants, although as noted above, the density of such plants may be slightly affected by the proposed action. The proposed action does not trigger this criterion.

3. An individual may be disrupted from breeding, sheltering, feeding, or sheltering-related

activities or otherwise taken.

Although the proposed action may adversely affect the density of forage plants, we believe this effect will be slight due to relatively low authorized utilization rates (20-30 percent), and the short term of proposed grazing (2002-2008). This reduction in forage plant density is not likely to result in take of lesser long-nosed bats because saguaros are still abundant on the allotment and are common in other areas within foraging distance of nearby roosts. No roosts are known from allotment, thus no direct effects to bats or their roosts are anticipated. The proposed action does not trigger this criterion.

Because the action may affect the lesser long-nosed bat, we then apply the criteria for determining whether the action may affect, but is not likely to adversely affect, the lesser long-nosed bat. Again, if any of the criteria are triggered, the action would adversely affect the bat and formal consultation would be required.

1. Lesser long-nosed bats would not be taken or predisposed to taking due to grazing-related activities (e.g. access to roosts provided by roads and trails and impacts due to other structural and non-structural projects).

For the reasons given above for criterion 3, no take of lesser long-nosed bats is anticipated. The action does not trigger this criterion.

2. Roost sites would not be modified or destroyed or predisposed to modification or destruction due to grazing related activities (e.g. access to roosts provided by roads and trails and impacts due to other structural and non-structural projects).

No roosts are known from the action area, thus none would be affected. The action does not trigger this criterion.

3. Moderate to high density food plant habitat within 40 miles of any roost would be modified or destroyed or predisposed to modification or destruction due to excessive grazing use or seeding of exotic species (e.g. grazing use sufficient to cause downward trend in food plant habitat [ecological status] depending on site requirements); introduction of exotics that modify the habitat, such as Lehmann's lovegrass, modifying fire regimes).

Although proposed grazing is expected to affect saguaro recruitment, these effects are likely to be slight and short term, as discussed above under criterion 3 for may affect determinations. No "excessive" grazing is proposed and no long-term downward trend in saguaro populations is anticipated. The BLM does not propose to introduce any exotic species. There is some potential that grazing and movements by cattle could introduce additional exotics to the Vekol Valley area; however, most exotics that are expected to cause a problem there are already present. The Service does not believe this criterion is triggered; however, if monitoring or other new information indicates otherwise, the BLM should reconsider its effects determination.

4. Food plant density, in areas of moderate to high densities within 40 miles of any roost, would be reduced by <1.0 percent within 0.5 mile of new grazing related structural improvements (e.g. water facilities, pipelines, tanks, roads, corrals).

No new grazing improvements are proposed, thus this criterion is not triggered.

5. Food plant density, in areas of moderate to high densities within 40 miles of any roost, would be reduced by <10 percent due to new grazing-related non-structural improvements (e.g. vegetation treatments including prescribed burning).

No vegetation treatments or prescribed burning are proposed. The action does not trigger this criterion.

6. Flowers of food plants, in areas of moderate to high densities and within 40 miles of any roost, would be reduced by >10 percent during the bolting and flowering period (4/15 to 9/15) due to herbivory.

This criterion was written primarily for agave flowers, which are attractive to cattle, if accessible. Although some *Agave deserti* occurs in the upland portions of the allotment, the primary food plant for the lesser long-nosed bat is the saguaro. Saguaro flowers are generally not accessible to cattle and would be reduced by much less than 10 percent, if at all, due to grazing activities. The action does not trigger this criterion.

CONCLUSION

The Service concurs with the BLM's determination that the proposed action may affect, but is not likely to adversely affect, the lesser long-nosed bat. We base this determination on the guidance criteria, as described above.